

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : Chapter 13  
:   
Sadie Smith :   
: Case No. 22-11130 (ELF)  
:   
Debtor. :   
:

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**MOTION OF POLICE AND FIRE FEDERAL CREDIT UNION  
FOR RELIEF FROM THE AUTOMATIC STAY TO EXERCISE RIGHTS  
WITH RESPECT TO 6511-6515 NORTH 7TH STREET, PHILADELPHIA, PA 19126**

Police and Fire Federal Credit Union (“PFFCU”), by and through its undersigned counsel, Dilworth Paxson LLP, hereby moves for relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to exercise its rights with respect to its claim that is secured by real property located at 6511-6515 North 7th Street, Philadelphia, PA 19126 (the “Real Property”), due to the Debtor’s lack of adequate protection.

**I. BACKGROUND**

1. Sadie Smith (the “Debtor”) is indebted to PFFCU pursuant to certain Mortgage and Note, attached as Exhibit A. The Mortgage and Note were originally obtained on July 24, 2017 in the original amount of \$20,600.00. The Mortgage and Note are secured by a lien on the Real Property.

2. On May 2, 2022, the Debtor failed an individual voluntary petition under Chapter 13 of the Bankruptcy Code, initiating Bankruptcy Case No. 22-11130 (ELF).

3. As of the Petition Date, the Debtor was indebted to PFFCU in the amount of \$15,700.62 pursuant to the Mortgage that is secured by the Real Property.

4. The Debtor’s Chapter 13 Plan has not been confirmed.

5. On August 16, 2022, the Chapter 13 Trustee filed a motion to dismiss the case for the Debtor's failure to file documents and make plan payments.

6. Pursuant to the Mortgage and Note, the Debtor agreed to pay PFFCU \$187.93 per month.

7. Since the Petition Date, the Debtor has failed to make any of the required monthly payments under the Mortgage and Note, totaling arrears of \$563.79 for missed payments of June, July, and August 2022.

8. Because the Debtor is not making post-petition payments to PFFCU, PFFCU's interest in the Real Property is not adequately protected.

## **II. CAUSE FOR RELIEF FROM THE AUTOMATIC STAY EXISTS**

9. Pursuant to section 362(d)(1) of the Bankruptcy Code, on request of a party in interest and after notice and a hearing, the court shall grant relief from the stay for cause, including lack of adequate protection of the party's interest in property. 11 U.S.C. § 362(d)(1).

10. PFFCU has not received three post-petition payments from the Debtor for the Mortgage, jeopardizing PFFCU's secured interest in the Real Property. Given that the Debtor has not made these payments to PFFCU post-petition, PFFCU's interests in the Real Property is impaired and is not adequately protected as required by 11 U.S.C. § 361.

11. Accordingly, cause exists pursuant to 11 U.S.C. § 362(d)(1) to lift the automatic stay to allow PFFCU to exercise its rights with respect to the Real Property.

## **III. CONCLUSION**

WHEREFORE, PFFCU respectfully requests that this Court enter an Order granting relief from the automatic stay pursuant to § 362(d) so that PFFCU may exercise its rights with respect to the Real Property and granting such other and further relief as appropriate.

DILWORTH PAXSON LLP

/s/ Jack Small

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Dated: August 22, 2022

*Attorney for Police and Fire Federal Credit Union*